



Canada to the United States. This information was provided to the Court in Defendant's Reply, which was filed on Friday, July 16, 2021. ECF No. 15. While the information was correct to the best of Defendants' knowledge, Defendants now know that it was incomplete.

After the May 9, 2021 facsimile, Ms. Swan did submit her religious credentials to TDCJ unit staff by facsimile on May 17, 2021, and her communication indicates she intends to attend inmate Gonzales's execution. Ms. Swan's subsequent communication effectively dispels any misunderstanding there may have been about Canadian travel restrictions. *See* ECF No. 16-1 at 15. At the time of filing Defendants' Reply, Defendants and counsel of record were unaware of this subsequent exchange. Assistant Warden Bobby Rigsby, the Death Row Assistant Warden at the Polunsky Unit has been the person in contact with Ms. Swan and the person to whom her facsimiles have been directed. Assistant Warden Rigsby was out of the office last week and unavailable to discuss the Reply or Ms. Swan. Accordingly, only the May 9th communication was known to Defendants at the time of filing their Reply. Plaintiff's Sur-Reply prompted further investigation, and with Warden Rigsby's return to the unit this week, the subsequent communication and developments were discovered.

Since Ms. Swan submitted her credentials on May 17, 2021, [ECF No. 16-1 at 15], the approval process has been underway pursuant to the TDCJ Execution Procedure. Ms. Swan's information and identification documents were forwarded to the Office of the Inspector General to perform a background check, and her religious

credentials were forwarded to the appropriate official for further vetting or approval as inmate Gonzales's spiritual advisor. Although final approval for Ms. Swan to accompany inmate Gonzales into the execution chamber cannot occur unless and until she attends the two-hour orientation, the vetting process for obtaining that approval is underway.

Respectfully submitted,

**KEN PAXTON**

Attorney General of Texas

**BRENT WEBSTER**

First Assistant Attorney General

**GRANT DORFMAN**

Deputy First Assistant Attorney General

**SHAWN E. COWLES**

Deputy Attorney General for Civil Litigation

**SHANNA E. MOLINARE**

Division Chief

Law Enforcement Defense Division

/s/ Leah O'Leary

**LEAH O'LEARY**

Assistant Attorney General

Attorney-in-Charge

State Bar No. 24079074

Southern District No. 1563191

[Leah.Oleary@oag.texas.gov](mailto:Leah.Oleary@oag.texas.gov)

OFFICE OF THE ATTORNEY GENERAL

P.O. Box 12548, Capital Station

Austin, Texas 78711-2548

(512) 463-2080 / Fax (512) 370-9401

**ATTORNEYS FOR DEFENDANTS**

**COLLIER, LUMPKIN, AND CROWLEY**

**NOTICE OF ELECTRONIC FILING**

I, **LEAH O'LEARY**, Assistant Attorney General of Texas, certify that I have electronically submitted for filing, a true and correct copy of the above in accordance with the Electronic Case Files System of the Southern District of Texas on July 22, 2021.

/s/ Leah O'Leary

**LEAH O'LEARY**

Assistant Attorney General

**CERTIFICATE OF SERVICE**

I, **LEAH O'LEARY**, Assistant Attorney General of Texas, certify that a true and correct copy of the above has been served on all attorneys of record through the court's electronic notification system on July 22, 2021.

/s/ Leah O'Leary

**LEAH O'LEARY**

Assistant Attorney General